Case: 1:08-cv-02755-DCN Doc #: 322-3 Filed: 06/01/15 1 of 5. PageID #: 16292

## **EXHIBIT B**

## In The Matter Of:

Hodell-Natco Industries, Inc. v. SAP America, Inc., et al.

Otto Reidl Vol. 1 February 7, 2012

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4	HODELL-NATCO INDUSTRIES, INC.,	Case No. 1:08 CV 2755	4	DIRECT EXA		
5	Plaintiff,	) Judge: Lesley Wells ) Magistrate Judge:	5	OTTO REIDL BY MR. STAF	· · · · · · · · · · · · · · · · · · ·	4
6	vs.	Greg White	6			
7	SAP AMERICA, INC., et	VOLUME I	7		EXHIBIT INDEX	
8	al.,		8	Exhibit 1	Revised Notice of Deposition of	9
9	Defendants.	i e e e e e e e e e e e e e e e e e e e	9	13111111111111111111111111111111111111	Hodell-Natco	
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12	THE VIDEOCONFERENCE DEPOSITION OF OTTO REIDL		12	Exhibit 3	First Amended Complaint with Exhibits, Jury Trial Demand	22
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- 1 Q. No -- I'm sorry. I'm looking at
- 2 paragraph 1.2 on the first page of the license
- 3 agreement.
- 4 A. Oh, I'm sorry. I thought you
- 5 said 7.1.
- 6 O. Just want to make sure we don't
- 7 have any confusion there.
- 8 Just to do that again, you see in
- 9 paragraph 1.2, it says Documentation, right?
- 10 It says it means SAP's documentation, which is
- 11 delivered to licensee, being Hodell, under
- this agreement, correct?
- 13 A. Correct.
- 14 Q. Okay. Do you have that
- 15 documentation?
- 16 A. I would have to defer to Kevin.
- 17 Q. Okay. Do you know if that
- 18 documentation's actually been produced in this
- 19 litigation?
- MR. LAMBERT: Objection.
- THE WITNESS: I would have to defer to
- 22 Kevin.
- BY MR. STAR:
- 24 Q. Okay. Do you recall personally
- ever reading the documentation?

- 1 understanding, as the designee on behalf of
- 2 Hodell, that the alleged misrepresentations
- 3 that support your fifth cause of action for
- 4 negligent misrepresentation, are the same
- 5 alleged misrepresentations that form the basis
- 6 of your claims for fraud and fraudulent
- 7 inducement?
- 8 MR. LAMBERT: Objection, same.
- 9 THE WITNESS: Sorry, I didn't hear what
- 10 you said
- MR. LAMBERT: I was just objecting.
- 12 You can answer, if you know.
- THE WITNESS: I believe so.
- 14 BY MR. STAR:
- 15 Q. Okay. And you'd also agree with
- me that all of the misrepresentations that
- 17 form the basis of your negligent
- 18 misrepresentation claim were representations
- made to Hodell prior to its signing of the
- 20 license agreement on December 23rd, 2005,
- 21 right?
- MR. LAMBERT: Objection.
- THE WITNESS: I believe that's correct.
- BY MR. STAR:
- 25 Q. Okay. At the time Hodell signed

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- 1 MR. LAMBERT: Objection.
- THE WITNESS: I don't know.
- 3 BY MR. STAR:
- 4 Q. So you don't know if the
- 5 documentation may have representations about
- 6 productivity gains and those sorts of things
- 7 that you have described, correct?
- 8 MR. LAMBERT: I just want to note an
- 9 objection.
- THE WITNESS: I don't know.
- 11 BY MR. STAR:
- 12 Q. The fifth cause of action in your
- complaint is for negligent misrepresentation.
- 14 It begins with paragraph 91. Is it correct
- that the representations, or
- misrepresentations that form the basis of this
- 17 cause of action for negligent
- misrepresentation, are the same
- 19 representations that support your claims for
- 20 fraudulent inducement and fraud?
- MR. LAMBERT: Objection.
- THE WITNESS: Please rephrase that
- 23 question.
- BY MR. STAR:
- 25 Q. Sure. Okay. Is it your

- the license agreement in 2005, was it your
- 2 personal belief that you had any sort of
- 3 special relationship with SAP, either SAP
- 4 America, or SAP AG, or did you feel that you
- 5 were just dealing with them as a business
- 6 customer, or -- not the right word -- let me
- 7 ask the question again.
- 8 At the time that you signed the license
- 9 agreement in December of 2005, did Hodell
- believe that it had any special relationship
- 11 with SAP America, or SAP AG, such that it was
- in a position of trust or confidence with SAP?
- MR. LAMBERT: Objection.
- 14 THE WITNESS: I don't believe it was a
- special relationship. I believe a company of
- 16 SAP's stature requires an up and up
- 17 relationship with all their clients.
- 18 BY MR. STAR:
- 19 Q. So you'd agree that when you
- signed the license agreement, you had nothing
- 21 more than a business to business, or arm's
- 22 length relationship between Hodell and SAP,
- 23 correct?
- 24 A. Correct.
- 25 Q. Let's go off the record for a

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Page 237 second. (Whereupon, an off-the-record discussion 2 was held at 4:13.) 3 4 (Whereupon, the deposition was continued until the following day.) 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 Page 238 1 CERTIFICATE OF THE REPORTER 2 I, Angela A. O'Neill, a Registered Professional 3 Reporter and Notary Public, authorized to administer oaths and to 4 take and certify depositions, do hereby certify that the 5 above-named witness was by me, before the giving of their 6 deposition, first duly sworn to testify the truth, the whole 7 truth, and nothing but the truth to questions propounded at the 8 taking of the foregoing deposition in a cause now pending and 9 undetermined in said court. 10 I further certify that the deposition above-set forth 11 was reduced to writing by me by means of machine shorthand and was 12 later transcribed from my original shorthand notes; that this is a 13 true record of the testimony given by the witness; and that said 14 deposition was taken at the aforementioned time, date, and place, 15 pursuant to notice or stipulations of counsel. 16 IN WITNESS WHEREOF, I have set my hand and seal this 17 14th day of February, 2012. angela a. D'Neill 18 19 Angela A. O'Neill, RPR 20 My Commission Expires: Aug. 10, 2012 21 22 23 24 25